



# CITY OF LODI

## COUNCIL COMMUNICATION

**AGENDA TITLE:** Ordinance No. 1736 Entitled, "An Ordinance of the City Council of the City of Lodi Amending Title 2, Chapter 2.16, 'Planning Commission,' by Adding Section 2.16.010(C) Relating to Planning Commission Membership, and Repealing and Reenacting Section 2.16.030 Officers—Rules—Powers and Duties Relating to Planning Commission Powers"

**MEETING DATE:** September 3, 2003

**PREPARED BY:** City Clerk

**RECOMMENDED ACTION:** Following reading by title, it would be appropriate for the City Council to adopt the attached Ordinance No. 1736.

**BACKGROUND INFORMATION:** Ordinance No. 1736 entitled, "An Ordinance of the City Council of the City of Lodi Amending Title 2, Chapter 2.16, 'Planning Commission,' by Adding Section 2.16.010(C) Relating to Planning Commission Membership, and Repealing and Reenacting Section 2.16.030 Officers—Rules—Powers and Duties Relating to Planning Commission Powers" was introduced at the regular City Council meeting of August 20, 2003.

Pursuant to state statute, an ordinance may be adopted five days after its introduction following reading by title.

This ordinance has been approved as to form by the City Attorney.

**FUNDING:** None required.

A handwritten signature in black ink, appearing to read "Susan J. Blackston".

Susan J. Blackston  
City Clerk

Attachment

APPROVED: \_\_\_\_\_

A handwritten signature in black ink, appearing to read "H. Dixon Flynn".  
H. Dixon Flynn -- City Manager

ORDINANCE NO. 1736

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LODI  
AMENDING TITLE 2, CHAPTER 2.16, "PLANNING COMMISSION,"  
BY ADDING SECTION 2.16.010(C) RELATING TO PLANNING  
COMMISSION MEMBERSHIP, AND REPEALING AND  
REENACTING SECTION 2.16.030 OFFICERS—RULES—POWERS  
AND DUTIES RELATING TO PLANNING COMMISSION POWERS

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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LODI AS FOLLOWS:

SECTION 1. Section 2.16.010(C) is hereby added to the Lodi Municipal Code to read as follows:

- C. In order to be considered for appointment to the Planning Commission, a person must be a registered voter of the City of Lodi at the time of application for consideration. The provisions of this subsection shall apply to appointments made after October 15, 2003.

SECTION 2. Section 2.16.030 Officers—Rules—Powers and Duties is hereby repealed and reenacted as follows:

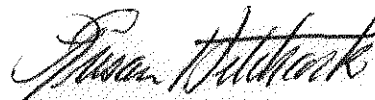
The City Planning Commission shall have power to elect its own presiding officer with the title of Chairman and such other officers as may be necessary or expedient, to adopt rules of order and procedure, and do and perform its duties in conformance with Title 7 of the California Government Code and such other laws as may appertain to City planning and zoning.

Section 3. No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner, which imposes upon the City, or any officer, employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of all liability for damages, except as otherwise imposed by law.

Section 4 - Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

Section 5. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

Section 6. This ordinance shall be published one time in the "Lodi News-Sentinel," a daily newspaper of general circulation printed and published in the City of Lodi and shall be in force and take effect thirty days from and after its passage and approval.



SUSAN HITCHCOCK  
Mayor

Attest:



SUSAN J. BLACKSTON  
City Clerk

State of California  
County of San Joaquin

I, Susan J. Blackston, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1736 was introduced at a regular meeting of the City Council of the City of Lodi held August 20, 2003, and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held September 3, 2003, by the following vote:

AYES: COUNCIL MEMBERS – Beckman, Howard, Land, and Mayor Hitchcock  
NOES: COUNCIL MEMBERS – None  
ABSENT: COUNCIL MEMBERS – Hansen  
ABSTAIN: COUNCIL MEMBERS – None

I further certify that Ordinance No. 1736 was approved and signed by the City Council on the date of its passage and its contents has been published pursuant to law.



SUSAN J. BLACKSTON  
City Clerk

Approved as to Form:



RANDALL A. HAYS  
City Attorney